

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-5, 7-13, and 15-22 are presently pending in this case. Claims 1, 3, 7, 9, 10, 15, and 17 are amended, Claims 6 and 14 are canceled without prejudice or disclaimer, and new Claims 18-22 are added by the present amendment. As amended Claims 1, 3, 7, 9, 10, 15, and 17 and new Claims 18-22 are supported by the original Claims, no new matter is added.

In the outstanding Official Action, the title was objected to; Claims 1, 3, 7, 9, 10, 14, and 15 were objected to; Claims 6 and 17 were rejected under 35 U.S.C. §112, second paragraph; Claims 1, 2, 10, and 11 were rejected under 35 U.S.C. §102(b) as anticipated by Hamasaki et al. (U.S. Patent Application Publication No. 20020065665, hereinafter “Hamasaki”); Claims 3, 6, and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Liu et al. (U.S. Patent No. 7,266,132, hereinafter “Liu”); Claims 4 and 12 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Jiyunsaku (Japanese Patent Application Publication No. 2001243705) and further in view of Shinichi (Japanese Patent Application Publication No. 11-312364); Claims 5 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Jiyunsaku; Claims 7, 9, 15, and 17 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Liu and further in view of Simon et al. (U.S. Patent No. 4,918,523, hereinafter “Simon”); and Claims 8 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Hamasaki in view of Liu and further in view of Simon and Jiyunsaku.

The abstract is amended to conform with U.S. practice.

With regard to the title, the title is amended as suggested in the outstanding Office Action.

With regard to the objection to Claims 1, 7, 9, 10, 14, and 15, Claims 1, 7, 9, 10, 14, and 15 are amended to correct the noted informalities. Accordingly, the objection to Claims 1, 7, 9, 10, 14, and 15 is believed to be overcome.

With regard to the rejection of Claims 6 and 17 under 35 U.S.C. §112, second paragraph, Claim 6 is canceled, making this rejection moot with respect to that claim. Claim 17 is amended to delete “said storage means” and “said data capacity changing means.” Consequently, Claim 17 is in compliance with all requirements under 35 U.S.C. §112, second paragraph.

With regard to the rejection of Claims 1 and 10 under 35 U.S.C. §102(b) as anticipated by Hamasaki, that rejection is overcome by the addition of the subject matter of Claims 6 and 14 into Claims 1 and 10, respectively. The rejection of Claims 6 and 14 as unpatentable over Hamasaki in view of Liu is now addressed with respect to amended Claims 1 and 10.

Amended Claim 1 recites in part:

storage means where decoded data obtained on said processing of decoding are written and transiently stored, ***said storage means including at least one transient storage area and data capacity changing means for changing the data capacity of said transient storage area depending on a total length of reproducing time for said unit data.***

With respect to original Claim 6, the outstanding Office Action conceded that Hamasaki did not teach or suggest this subject matter, and cited a description of controlling an amount of memory space based on (1) a bit rate of incoming data and (2) a delay for processing the data before transmission in Liu as describing this feature.¹ The outstanding Office Action further asserts that “By teaching a technique that changes a capacity of a buffer depending on bit rate and time delay of processing, Liu also teaches changing the capacity a buffer based on length of reproducing time.” However, it is respectfully submitted that a bit

¹See the outstanding Office Action at page 10.

rate and a time delay is not equal to *a total length of reproducing time for said unit data*, and cannot be used to compute this data. In fact, Liu describes a system that decodes bit streams of unknown lengths. Simply providing the bit rate of the bit stream and a processing delay before outputting the bit stream does *not* provide enough information to calculate a total length of reproducing time for the bit stream. Thus, a device that changes a capacity of a buffer based on a bit rate of the bit stream and a processing delay before outputting the bit stream does not explicitly or inherently describe changing the data capacity of said transient storage area depending on *a total length of reproducing time for said unit data*. Therefore, it is respectfully submitted that Liu does not teach or suggest “storage means” as defined in amended Claim 1. Consequently, Claim 1 (and Claims 2-5 and 7-9 dependent therefrom) is patentable over Hamasaki in view of Liu.

Amended Claim 10 recites in part “changing a capacity of at least one transient storage area depending on a total length of reproducing time for said unit data.” As noted above, Liu describes a system that decodes bit streams of unknown lengths. Simply providing the bit rate of the bit stream and a processing delay before outputting the bit stream does *not* provide enough information to calculate a total length of reproducing time for the bit stream. Thus, Liu can not describe changing a capacity of a buffer based on *a total length of reproducing time for said unit data*, either explicitly or inherently. Thus, it is respectfully submitted that Liu does not teach or suggest “changing a capacity” as defined in amended Claim 10. Consequently, Claim 10 (and Claims 11-13 and 15-17 dependent therefrom) is also patentable over Hamasaki in view of Liu.

With regard to the rejection of Claims 4 and 12 as unpatentable over Hamasaki in view of Jiyunsaku and further in view of Shinichi, it is noted that Claims 4 and 12 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Jiyunsaku and Shinichi do

not cure any of the above-noted deficiencies of Hamasaki. Accordingly, it is respectfully submitted that Claims 4 and 12 are patentable over Hamasaki in view of Jiyunsaku and further in view of Shinichi.

With regard to the rejection of Claims 5 and 13 as unpatentable over Hamasaki in view of Jiyunsaku, it is noted that Claims 5 and 13 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Jiyunsaku does not cure any of the above-noted deficiencies of Hamasaki. Accordingly, it is respectfully submitted that Claims 5 and 13 are patentable over Hamasaki in view of Jiyunsaku.

With regard to the rejection of Claims 7, 9, 15, and 17 as unpatentable over Hamasaki in view of Liu and further in view of Simon, it is noted that Claims 7, 9, 15, and 17 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Simon does not cure any of the above-noted deficiencies of Hamasaki and Liu. Accordingly, it is respectfully submitted that Claims 7, 9, 15, and 17 are patentable over Hamasaki in view of Liu and further in view of Simon.

With regard to the rejection of Claims 8 and 16 as unpatentable over Hamasaki in view of Liu and further in view of Simon and Jiyunsaku, it is noted that Claims 8 and 16 are dependent from Claims 1 and 10, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Simon and Jiyunsaku do not cure any of the above-noted deficiencies of Hamasaki and Liu. Accordingly, it is respectfully submitted that Claims 8 and 16 are patentable over Hamasaki in view of Liu and further in view of Simon and Jiyunsaku.

New Claims 18-22 are supported at least by original Claims 1-6. New Claim 18 recites in part:

a storage unit configured to receive and transiently store decoded data decoded by the decoder, ***said storage unit including at least one transient storage area and a data capacity changing unit configured to change a data capacity of said transient storage area depending on a total length of reproducing time for said unit data.***

As noted above, Liu describes a system that decodes bit streams of unknown lengths. Simply providing the bit rate of the bit stream and a processing delay before outputting the bit stream does **not** provide enough information to calculate a total length of reproducing time for the bit stream. Thus, Liu can not describe any device configured to change a capacity of a buffer based on ***a total length of reproducing time for said unit data***, either explicitly or inherently. Thus, it is respectfully submitted that Liu does not teach or suggest “storage unit” as defined in new Claim 18. Consequently, new Claim 18 (and Claims 19-22 dependent therefrom) is patentable over Hamasaki and Liu.

Accordingly, the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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